

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MACEY E. TURLEY, JR.,

Plaintiff,

v.

ELMANTE,

Defendant.

Case No.: 1:23-cv-00596-CDB (PC)

ORDER ON DEFENDANT'S EX PARTE
MOTION TO AMEND THE SCHEDULING
ORDER

(Doc. 36)

Plaintiff Macey E. Turley, Jr. is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment claims for adverse conditions of confinement and deliberate indifference against Defendant Elmante. (Docs. 1, 11). On March 9, 2024, Defendant filed an answer to Plaintiff's complaint. (Doc. 17). On December 5, 2024, the Court issued the discovery and scheduling order, setting forth discovery dates and deadlines, including, relevant here, the dispositive motion deadline on October 17, 2025. (Doc. 34).

Pending before the Court is Defendant's ex parte motion to amend the scheduling order to extend the deadline to file dispositive motions by 21 days (to November 7, 2025), filed on October 10, 2025. (Doc. 36). Counsel for Defendant declares that despite his diligence, additional time is needed to meet and confer with Defendant to prepare a motion for summary judgment and due to counsel's workload in other cases as outlined in his declaration. *Id.* at 1; *see* (Doc. 36-1, Declaration

1 of Gray Gilmor (“Gilmor Decl.”) ¶¶ 2-6)). Counsel declares that discussing this requested
2 extension with Plaintiff is complicated due to Plaintiff’s incarceration but that he mailed the
3 application the same day it was filed, and that he believes this extension will not prejudice Plaintiff.
4 Gilmor Decl. ¶ 8. Counsel declares that this motion is not brought to delay, harass, or otherwise
5 prejudice Plaintiff, and is the first extension request of Defendant in this case. *Id.* ¶ 9.

6 For good cause shown, Defendant’s request to amend the scheduling order to extend the
7 deadline to file dispositive motions will be granted.

8 **Conclusion and Order**

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Defendant’s ex parte motion to amend the scheduling order (Doc. 34) is GRANTED;
11 and
12 2. The deadline to file dispositive motions is continued to **November 7, 2025**.

13 IT IS SO ORDERED.

14 Dated: **October 14, 2025**

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UNITED STATES MAGISTRATE JUDGE